

OFFICIAL COPY

Fresno, California

July 24, 2001

The City Council met in regular session at the hour of 9:00 a.m. in the Council Chambers, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Brian Calhoun	Councilmember
	Brad Castillo	Councilmember
	Jerry Duncan	Councilmember
	Sal Quintero	Councilmember
	Dan Ronquillo	Acting Council President
	Henry Perea	Council President

Dan Hobbs, City Manager  
Hilda Cantu Montoy, City Attorney  
Rebecca Klisch, City Clerk  
Yolanda Salazar, Assistant City Clerk

Associate Pastor Dave Parker, Riverpark Bible Church, gave the invocation, Matt Parker sang “The Star Spangled Banner”, and his unidentified friend led the Pledge of Allegiance to the Flag.

CERTIFICATES OF COMMENDATION TO STREET MAINTENANCE EMPLOYEES - MAYOR AUTRY AND PRESIDENT PEREA

PROCLAMATION OF “BRENDA TROUBAUGH DAY” – PRESIDENT PEREA

PROCLAMATION OF CALIFORNIA OPERA ASSOCIATION 2001 ARTS & EDUCATION FESTIVAL DAY - COUNCILMEMBERS BOYAJIAN AND RONQUILLO **(2 - 0)**

Read and presented.

PRESENTATION OF CERTIFICATES TO PRIDE TEAM FOR THE SUMMER QUARTER

The certificates were presented and a reception was held on the second floor foyer to honor the PRIDE Team.

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APPROVE MINUTES OF JULY 17, 2001

On motion of Councilmember Castillo, seconded by Councilmember Duncan, duly carried, RESOLVED, the minutes of July 17, 2001, approved as submitted.

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## **APPROVE AGENDA:**

**(1A-14)** APPROPRIATE \$14,000 OF DISTRICT 5'S GENERAL FUND INFRASTRUCTURE TO FUND \$1,500 FOR LADIES AID FOR RETARDED CITIZENS (LARCS), \$1,000 FOR THE FRESNO JUNIOR HANDBALL CLUB, \$5,000 FOR THE SUNNYSIDE ASSEMBLY OF GOD CHURCH HARVEST CELEBRATION, AND \$6,500 FOR THE ELIZABETH TERRONEZ MIDDLE SCHOOL SUMMER SCHOOL PROGRAM - COUNCILMEMBER QUINTERO

Councilmember Quintero removed the \$5,000 appropriation for the Sunnyside Assembly of God Church Harvest Celebration. The item was subsequently adopted with the Consent Calendar as amended.

**(3:30 P.M.)** RECEIVE AND ACCEPT PRELIMINARY REPORT #2 FROM THE MACIAS CONSULTING GROUP AND COUNCIL DIRECTION THEREON - PRESIDENT PEREA

Councilmember Quintero requested the matter be laid over one week stating the report was received on the preceding Friday which did not allow for enough time for him to review the entire report let alone accept it and added the Macias Group had not contacted his office relative to any concerns he may have. President Perea responded and clarified the action being requested was to only formally receive the report with Councilmember Quintero stating his concerns till stood.

**(1A-10)** APPROVE THE STATEMENT OF FINDINGS TO REVISE THE POLICE SUBSTATION FEE FOR NORTHEAST FRESNO

1. \* RESOLUTION - 382<sup>ND</sup> AMENDMENT TO MFS RES. 80-420 REVISING THE POLICE SUBSTATION FEE FOR NORTHEAST FRESNO

Removed from the agenda at the direction of staff. Upon question, City Attorney Montoy advised the matter would be rescheduled when the required public hearing was set.

**(10:30 A.M.)** BUDGET RELATED MATTERS - FISCAL RESPONSIBILITY COMMITTEE

**A.** APPROVE MAYOR'S REQUEST FOR FY 2002 BUDGET RECONSIDERATIONS OF VARIOUS ITEMS  
**B.** CONSIDER APPROVAL OF A COUNCIL OVERRIDE VOTE OF TWO LINE ITEM VETOES OF RESOLUTION NO. 01-200 BY MAYOR AUTRY ON JUNE 19, 2001 - COUNCILMEMBER CALHOUN

Councilmember Duncan requested the order be changed on the above two issues and with Council consensus Item **B** to be heard before Item **A**.

DIRECT STAFF TO SCHEDULE ON THE NEXT AGENDA AT A TIME CERTAIN: "DIRECT STAFF TO CONDUCT AN AUDIT ON THE CITY'S LIGHT SYSTEM" - ACTING PRESIDENT RONQUILLO

Direction made.

On motion of Councilmember Quintero, seconded by Acting President Ronquillo, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea  
Noes : None  
Absent : None

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**ADOPT CONSENT CALENDAR:**

**(1A-1)** CONFIRMING THE APPOINTMENT OF VINCE CORRELL TO THE ASSOCIATION FOR THE BEAUTIFICATION OF HIGHWAY 99 COMMITTEE - COUNCILMEMBER CALHOUN

**(1A-2)** AUTHORIZE THE DIRECTOR OF PUBLIC UTILITIES TO EXECUTE AN AGREEMENT FOR \$138,700.21 WITH PACIFIC GAS & ELECTRIC TO PERFORM TARIFF SCHEDULED RELATED WORK FOR THE TRANSMISSION SYSTEM CONNECTION TO THE 10 MEGAWATT SUBSTATION AT THE FRESNO/CLOVIS REGIONAL RECLAMATION FACILITY

**(1A-5)** APPROVE SUBSTITUTION OF FRESNO ROOFING FOR THE LISTED SUBCONTRACTOR, SUMMIT ROOFING, FOR THE SOUND MITIGATION ACOUSTICAL REMEDY TREATMENT (SMART) PROGRAM AIP 30 PHASE 5, BID GROUP 9

**(1A-6)** ACCEPT UTILITY AGREEMENT NO. 06-1120.61, RELOCATION OF THREE (3) WOOD PILE STREET LIGHTS FOR THE NOT TO EXCEED PRICE OF \$1,200, AND UTILITY AGREEMENT NO. 06-1120.43, RELOCATION OF VARIOUS WATER FACILITIES FOR THE NOT TO EXCEED PRICE OF \$12,800, STATE ROUTE 180 BETWEEN FREEWAY 99 AND HUGHES AVENUE, AND AUTHORIZE THE PUBLIC WORKS DIRECTOR AND PUBLIC UTILITIES DIRECTOR TO APPROVE AND SIGN THE AGREEMENTS ON BEHALF OF THE CITY

**(1A-7)** AWARD A ONE-YEAR REQUIREMENTS CONTRACT WITH PROVISIONS FOR TWO ONE-YEAR EXTENSIONS FOR MJ FITTINGS TO U.S. FILTER DISTRIBUTION IN THE ESTIMATED AMOUNT OF \$29,165.64

**(1A-11)** APPROVE AGREEMENT WITH THE SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT TO RECEIVE \$1,267,525 TO BE USED TO MITIGATE THE COST OF 25 COMPRESSED NATURAL GAS (CNG) POWERED BUSES

**(1A-12) RESOLUTION NO. 01-230 -** AUTHORIZE THE PURCHASE OF MODICON, INC. CONTROL SYSTEM COMPONENTS FOR THE WATER CONTROL SYSTEM WITHOUT COMPETITIVE BIDDING UNDER THE SOLE SOURCE EXCEPTION

**(1A-13) RESOLUTION NO. 01-231 -** APPROVING SUBMITTAL OF APPLICATIONS FOR GRANT FUNDS FROM THE PER CAPITA GRANT PROGRAM, UNDER THE SAFE NEIGHBORHOOD PARKS, CLEAN WATER, CLEAN AIR AND COASTAL PROTECTION BOND ACT OF 2000

**(1A-14)** APPROPRIATE \$14,000 OF DISTRICT 5'S GENERAL FUND INFRASTRUCTURE TO FUND \$1,500 FOR LADIES AID FOR RETARDED CITIZENS (LARCS), \$1,000 FOR THE FRESNO JUNIOR HANDBALL CLUB, AND \$6,500 FOR THE ELIZABETH TERRONEZ MIDDLE SCHOOL SUMMER SCHOOL PROGRAM - COUNCILMEMBER QUINTERO

On motion of Acting President Ronquillo, seconded by Councilmember Castillo, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

**(1A-4) RESOLUTION NO. 01-229 - APPROVING A LICENSE AGREEMENT WITH FRESNO COMMUNITY HOSPITAL AND MEDICAL CENTER TO INSTALL CERTAIN PRIVATE UTILITIES IN THE PUBLIC RIGHT-OF-WAY OF STREETS AND ALLEYS IN THE AREA GENERALLY BOUND BY ILLINOIS, FRESNO STREET, MCKENZIE AND CLARK STREET**

Councilmember Calhoun recused himself from proceedings due to a potential conflict of interest.

On motion of Acting President Ronquillo, seconded by Councilmember Castillo, duly carried, RESOLVED, the above entitled Resolution No. 01-229 hereby adopted, by the following vote:

Ayes	:	Boyajian, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Recused	:	Calhoun

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**(9:30 A.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY**

The Council met in joint session with the Redevelopment Agency at the hour of 10:12 a.m.

**APPROVE AGENCY MINUTES OF JULY 17, 2001**

On motion of Acting President Ronquillo, seconded by Councilmember Castillo, duly carried, RESOLVED, the Agency minutes of July 17, 2001, approved as submitted.

**UNSCHEDULED AGENCY ORAL COMMUNICATIONS**

**APPEARANCE BY BARBARA HUNT, 944 “F” STREET, REGARDING 20% HOUSING SET ASIDE FUNDS AND BOUNDARY CHANGES IN VARIOUS RDA AREAS**

Appearance made; no action taken.

**(“A”) APPROVE AGREEMENT AND STIPULATION TO AMEND STIPULATED JUDGMENT EXTENDING TIME TO COMPLETE CONSTRUCTION OF IMPROVEMENTS ON PARCEL 7 OF CIVIC CENTER SQUARE AREA (TULARE BETWEEN “N” AND “O” STREETS) FROM JULY 15, 2002, TO JUNE 30, 2003**

Agency Director Fitzpatrick reviewed the issue as contained in the staff report as submitted and clarified at issue was the completion deadline. Acting President Ronquillo made a motion to approve staff’s recommendation.

Barbara Hunt, 944 “F” Street, spoke to the issue.

Lengthy discussion ensued with Director Fitzpatrick, City Attorney Montoy and CCSI Attorney Motschiedler responding to questions, comments and/or concerns of President Perea and Councilmember Castillo and/or clarifying issues relative whether a “real” project was on the books, there being reasons for setting timelines, plans for Parcel 7, who owned the property, CCSI’s right to purchase, granting an extension in context with agreement compliance, what was being proposed for the site, chances of a project being completed in the current timeframe, if the process had been expeditiously followed in the past, lack of no formal documents on the proposed project, responsible party for not requesting the extension back in October, and having enough documentation from CCSI to move forward this date **(3 - 0)**. Councilmember Castillo stated he still had a number of questions and concerns and made a motion to table the matter one week.

A motion of Councilmember Castillo, seconded by President Perea, to table the matter one week failed, by the following vote:

Ayes	:	Castillo, Perea, Quintero
Noes	:	Boyajian, Calhoun, Ronquillo, Duncan
Absent	:	None

Councilmember Calhoun stated nothing had changed from the front-end and stated if CCSI did not “turn dirt” by 2002 they would lose their rights to the property, stated an error had been made on the time to complete but the start date was not changing, and stated he would support staff’s recommendation, with Acting President Ronquillo concurring.

Extensive discussion ensued with Mr. Fitzpatrick, Assistant City Attorney Avila, Ms. Montoy and Mr. Motschiedler responding to questions of President Perea, Councilmember Boyajian and Acting President Ronquillo and/or clarifying issues relative to contract compliance, what the nexus was to extend, if not granting an extension would affect CCSI’s ability to proceed and obtain financing, assurance that no further city assistance would be requested in the future, ability to modify the Stipulation and Judgment (S&J), conditions for CCSI to obtain title to the property, the city attorney understanding CCSI was going to request an extension (with Ms. Montoy reading a letter from Mr. Motschiedler) and their awareness of the short time period, if CCSI was in compliance with the S&J, type of building that could be completed in six months, need for the extension to obtain tenants, CCSI’s past performance being orderly and timely, the proposed project being magnificent and its cost, and requesting CCSI agree to construct a minimum 80,000 square foot building vs. a 40,000 square foot project with Mr. Motschiedler stating a better project would be constructed if the extension was granted. Councilmember Castillo stated he wanted a report from the City Attorney on what documents needed to be in place at what time to insure CCSI was moving forward in a timely manner and he wanted certain conditions in place by certain dates with Ms. Montoy advising conditions could not be placed due to the S&J, stated staff would work with Mr. Motschiedler on more specific timelines, and clarified the variance/CUP process.

Additional discussion ensued with Mr. Motschiedler and Mr. Fitzpatrick responding to questions and/or comments of Councilmember Castillo and Chair Duncan relative to whether the project could have begun before the end of the year, the need to hear CCSI say they were ready to begin, if CCSI had any intention of starting before the end of the year, the project receiving tax increment, chance of CCSI asking for a tax break on the project, at issue being extension of the completion date, if there had been a request by CCSI to modify the terms of tax increment, if approval of the extension implied approval of any project, and if Mr. Motschiedler was adequately informed of the process. Chair Duncan spoke in support of the extension emphasizing it was something Council needed to do.

On motion of Acting President Ronquillo, seconded by Chair Duncan, duly carried, RESOLVED, the extension of the project completion date from July 15, 2002 to June 30, 2003 hereby approved; the executive Director and City Attorney directed to proceed with the time extension request from Civic Center Square, Inc. and make necessary amendments to the "Stipulation for Judgment"; CCSI directed to compensate the Agency for attorney and staff time associated with the processing of this time extension due to costs associated with the consideration of this request, and, in addition, CCSI to construct an 80,000 square foot building, by the following vote:

Ayes	:	Boyajian, Calhoun, Ronquillo, Duncan
Noes	:	Castillo, Perea, Quintero
Absent	:	None

**("B") DIRECT STAFF WORK WITH THE CITY ATTORNEY TO DEVELOP GUIDELINES AND STANDARDS FOR COLOR OF RESIDENTIAL AND COMMERCIAL BUILDINGS AND FENCE STANDARDS ON VENTURA AND KINGS CANYON FROM FIRST STREET TO CHESTNUT AVENUE - COUNCILMEMBER QUINTERO**

**(4 - 0)** Briefly reviewed by Councilmember Quintero who stated this would be similar to standards set for the Tower District. City Attorney Montoy requested "*the city attorney be directed to work with staff*" instead of directing staff to work with the city attorney.

Barbara Hunt, 612 "F" Street, spoke to the issue.

On motion of Councilmember Quintero, seconded by Chair Duncan, duly carried, RESOLVED, the city attorney directed to work with staff to develop guidelines and standards for fences and color of residential and commercial buildings on Ventura and Kings Canyon from First Street to Chestnut Avenue, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Perea, Quintero, Ronquillo, Duncan
Noes	:	None
Absent	:	None

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The joint bodies adjourned their meeting at 11:28 a.m. and the City Council reconvened in regular session.

**(9: 45 A.M.) APPEARANCE BY KHOSROW MOSHREFI, ET AL., TO REQUEST AN INCREASE IN TAXI FARES**

Appearance and request made by Mr. Moshrefi. President Perea questioned whether Mr. Moshrefi had met with staff on the issue with City Manager Hobbs responding staff would meet with and obtain input from the industry and report back in thirty days.

Speaking to the issue were: Ken White, 1730 E. Clay; and Barbara Hunt, 944 "F" Street. Councilmember Duncan spoke in support of the request and stated a mechanism needed to be built into the process to review rates in a more timely manner. Juan Bejar, Azteca Cab Co., also spoke to the issue. Councilmember Quintero requested staff review programs of comparably sized cities with Councilmember Boyajian concurring stating a cost analysis was needed, and Mr. White responded briefly to questions relative to drop fees. There was no further discussion.

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**(10:15 A.M.) REQUEST TIMELINE FOR THE FRESNO CONVENTION & VISITORS BUREAU (CVB) TO RECEIVE BUDGET APPROPRIATION APPROVED BY COUNCIL - COUNCILMEMBER QUINTERO**

Reviewed by Councilmember Quintero who stated there was no concern with meeting performance standards but he wanted appropriations to continue to be made on a quarterly basis and not get held up.

Speaking to the issue were: Barbara Hunt, 944 "F" Street; and Lloyd Kennedy, CVB Executive Director, who spoke to the performance standards issue, requested the contract and allocation be moved forward so the CVB could continue their work of marketing Fresno, and along with City Manager Hobbs further clarified issues and/or responded to questions of President Perea and Councilmember Quintero relative to the quarterly payments, lack of an executed contract, concurrence on performance measures, the City issuing a payment for August, performance measures not tied in when CVB's budget was approved, and a final review of the contract and running it through the mayor with execution thereafter. There was no further discussion.

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**(10:30 A.M.) BUDGET RELATED MATTERS - FISCAL RESPONSIBILITY COMMITTEE**

**B. CONSIDER APPROVAL OF A COUNCIL OVERRIDE VOTE OF THE LINE ITEM VETOES OF ITEM NOS. 7 AND 9 OF RESOLUTION NO. 01-200 BY MAYOR AUTRY ON JUNE 19, 2001 - COUNCILMEMBER CALHOUN**

**1. RESOLUTION NO. 01-200 - ITEM NO. 7: COUNCIL'S APPROPRIATION OF \$150,000 TO YOUTH SERVICES CONTINGENCY**

Reviewed by Councilmember Calhoun who stated Council had been pretty understanding with an extremely tight and limited budget in accommodating some of the mayor's requests for his new administration, questioned why Council would consider taking \$150,000 from such a tight budget for an initiative with no track record, stated he felt it was a stretch to tie the film commission with youth, acknowledged the film commission could be an interesting concept but stressed this was not the year for it and elaborated, and made a motion to override the mayor's veto of Item No. 7. Upon call, the motion died for lack of a second.

Brief discussion ensued with Councilmembers Ronquillo, Castillo and Boyajian commenting on the issue and stating their support for the mayor's efforts, with City Manager Hobbs responding to questions.

Barbara Hunt, 944 "F" Street, spoke to the issue.

**2. RESOLUTION NO. 01-200 - ITEM NO. 9: 15% INCREASE IN THE RATE CHARGED FOR WATER SERVICES VETOED AND REDUCED TO 8%**

Councilmember Calhoun reviewed the 20%, 15% (**5 - 0**) and 8% rate increase scenarios that Council had to look at along with the energy cost increases, stated a sufficient rate was needed to pay the City's liabilities emphasizing if the City continued with its insufficient rate structure it would, as early as next year, operate at a \$1.4 - \$1.5 million loss, stated if sufficient rates were not adopted Council would be guilty of failing to plan for the future with the result being larger rate increases later, and made a motion to override the veto and institute a 15% rate increase, which motion was seconded and later acted upon.

Discussion ensued with Councilmembers Duncan and Castillo speaking in support of the 8% increase citing the need to find a balance and be sensitive to the impacts on citizens and there being an opportunity to revisit an increase in the future if desired. President Perea stated he also shared those concerns but he would rely on the facts submitted by staff until he heard otherwise, and requested Council consider, if the motion failed, an 8% increase this year and a 7% increase next year. Brief discussion ensued on amending the motion to phase-in an increase or incrementally raise rates next year with City Attorney Montoy clarifying any amendment made would again be subject to the mayor's veto. Councilmember Duncan stated he would be reluctant to commit this date to a 7% increase for next year.

A motion of Councilmember Calhoun, seconded by President Perea, to override the mayor's veto and institute a 15% rate increase failed, by the following vote:

Ayes	:	Calhoun, Perea
Noes	:	Boyajian, Castillo, Duncan, Quintero, Ronquillo
Absent	:	None

**A. APPROVE MAYOR'S REQUEST FOR FY 2002 BUDGET RECONSIDERATIONS:**

- 1. RESOLUTION NO. 01-200 - ITEM NO. 2: RECONSIDER ALLOCATION OF \$100,000 WITHIN THE PARKS AND RECREATION DEPARTMENT OPERATING BUDGET FOR FUNDING THE FRESNO GAMES**
- 2. RESOLUTION NO. 01-200 - ITEM NO. 5: RECONSIDER ALLOCATION OF \$59,000 WITHIN THE PARKS AND RECREATION DEPARTMENT OPERATING BUDGET FOR YMCA YOUTH PROGRAMS**
- 3. RESOLUTION NO. 01-200 - ITEM NO. 6: RECONSIDER ALLOCATION OF \$100,000 OF CDBG FUNDING FOR POLICE ORIENTED POLICING (POP) OPERATIONS**
- 4. RESOLUTION NO. 01-200 - ITEM NO. 8: RECONSIDER ALLOCATION OF \$150,000 WITHIN THE CONVENTION CENTER OPERATING BUDGET FOR A CITY FILM COMMISSION**

A brief overview was given by Councilmember Duncan who made a motion to approve all four items, which motion was seconded by Acting President Ronquillo. Councilmember Calhoun voiced a "no" vote on Resolution #4/Item #8. Acting President Ronquillo stated the question of whether CDBG money could be used for financing police activities was important and requested it be addressed next year. \*Councilmember Castillo stated he wanted it shown the funding for Resolution #2/Item #5 would be coming out of the Mayor's \$1 million Youth Services budget. Councilmember Boyajian stated departments needed to weaned from CDBG dollars adding the City was looking for a lawsuit on the mis-allocation of those funds and explained. President Perea stated although he supported POP's funding level he also felt departments needed to weaned from CDBG funds as the money belonged in the neighborhoods and voiced his "no" vote on Resolution #3/Item #6. Brief discussion ensued, a vote was cast, and it was determined to vote on each item separately.

**1. RESOLUTION NO. 01-200 - ITEM NO. 2: RECONSIDER ALLOCATION OF \$100,000 WITHIN THE PARKS AND RECREATION DEPARTMENT OPERATING BUDGET FOR FUNDING THE FRESNO GAMES**

On motion of Councilmember Duncan, seconded by Acting President Ronquillo, duly carried, RESOLVED, the above entitled Item No. 2 of Res. 01-200 hereby approved, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None



**2. RESOLUTION NO. 01-200 - ITEM NO. 5: RECONSIDER ALLOCATION OF \$59,000 WITHIN THE PARKS AND RECREATION DEPARTMENT OPERATING BUDGET FOR YMCA YOUTH PROGRAMS (\*FUNDING COMING FROM THE MAYOR’S \$1 MILLION YOUTH SERVICES BUDGET)**

On motion of Councilmember Duncan, seconded by Acting President Ronquillo, duly carried, RESOLVED, the above entitled Item No. 5 of Res. 01-200 hereby approved, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

**3. RESOLUTION NO. 01-200 - ITEM NO. 6: RECONSIDER ALLOCATION OF \$100,000 OF CDBG FUNDING FOR POLICE ORIENTED POLICING (POP) OPERATIONS**

On motion of Councilmember Duncan, seconded by Acting President Ronquillo, duly carried, RESOLVED, the above entitled Item No. 6 of Res. 01-200 hereby approved, by the following vote:

Ayes	:	Calhoun, Castillo, Duncan, Quintero
Noes	:	Boyajian, Ronquillo, Perea
Absent	:	None

**4. RESOLUTION NO. 01-200 - ITEM NO. 8: RECONSIDER ALLOCATION OF \$150,000 WITHIN THE CONVENTION CENTER OPERATING BUDGET FOR A CITY FILM COMMISSION**

On motion of Councilmember Duncan, seconded by Acting President Ronquillo, duly carried, RESOLVED, the above entitled Item No. 8 of Res. 01-200 hereby approved, by the following vote:

Ayes	:	Boyajian, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	Calhoun,
Absent	:	None

Barbara Hunt, 944 “F” Street, spoke to the issue.

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**LUNCH RECESS - 12:36 P.M. - 2:05 P.M.** Councilmember Quintero arrived later and Acting President Ronquillo arrived after closed session..

**CONTESTED CONSENT CALENDAR ITEMS:**

**(1A-3) APPROVE A FIVE (5) YEAR PACIFIC BELL CALNET AGREEMENT TO INCLUDE DS3 AND ATM SERVICES**

An unidentified staff member responded to questions of Councilmember Castillo relative to effective date of the contract, if there should have been a four year contract instead of a five year contract, and the DS3 circuit discount.

On motion of Councilmember Castillo, seconded by Councilmember Duncan, duly carried, RESOLVED, a five year Pacific Bell CalNet agreement including DS3 and ATM services hereby approved, and the Director of Administrative Services authorized to sign the authorization to order in support of the five year agreement, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Perea
Noes	:	None
Absent	:	Quintero, Ronquillo

**(1A-8) AWARD A CONTRACT TO REHABILITATE THE FRESNO AREA EXPRESS (FAX) PARKING LOT**

Upon question of Councilmember Castillo, Transit Manager Rudd stated the matching funds had already been allocated.

On motion of Councilmember Castillo, seconded by Councilmember Duncan, duly carried, RESOLVED, a contract to rehabilitate the Fresno Area Express (FAX) parking lot hereby awarded to Emmett's Excavation in the amount of \$266,301, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Perea
Noes	:	None
Absent	:	Quintero, Ronquillo

**(1A-9) APPROVE THE FINANCING OF A LINKED COPIER SYSTEM TO REPLACE THE CITY HALL COPY CENTER HIGH SPEED COPIER**

Noting he already received answers to his questions from staff, Councilmember Calhoun advised his concern was this was a single-source purchase and staff did not include the reason why in the report adding that information should have been included.

On motion of Councilmember Calhoun, seconded by Councilmember Castillo, duly carried, RESOLVED, the financing of a linked copier system with two digital copiers and one color copier for the City Hall copy center through the City's line of credit with annual lease payments for five years of \$35,700 hereby approved, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Perea
Noes	:	None
Absent	:	Quintero, Ronquillo

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**UNSCHEDULED ORAL COMMUNICATIONS:**

**APPEARANCE BY ERIN OULD, 5624 N. THORNE, REGARDING INAPPROPRIATE ADULT MAGAZINES AND PARAPHERNALIA IN VIEW OF CHILDREN AT CONVENIENCE STORES**

Appearance made; no action taken. Councilmember Quintero arrived at 2:12 p.m.

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**(2:00 P.M.) CLOSED SESSION:**

**(A) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - CASE NAME: R. L. DAVIDSON, INC., V. CITY OF FRESNO, DT AL.**

**(B) CONFERENCE WITH LEGAL COUNSEL - DECIDING WHETHER TO INITIATE LITIGATION - SIGNIFICANT EXPOSURE OF LITIGATION: TWO POTENTIAL CASES - CASE NAMES UNSPECIFIED (DISCLOSURE OF TITLE WOULD EITHER JEOPARDIZE ABILITY TO EFFECTUATE SERVICE OF PROCESS OR JEOPARDIZE ABILITY TO CONCLUDE EXISTING SETTLEMENT NEGOTIATIONS TO CITY'S ADVANTAGE)**

**(C) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - SIGNIFICANT EXPOSURE OF LITIGATION - CASE NAMES:**

1. SAN JOAQUIN VALLEY TAXPAYERS ASSOCIATION V. CITY OF FRESNO
2. CITY OF FRESNO V. LAFCO, CITY OF CLOVIS AND COUNTY OF FRESNO, ET AL.

The Council met in closed session in Room 2125 at the hour of 2:20 p.m. to consider the above matters and reconvened in regular open session at 3:38 p.m.

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**(5A) DIRECT THE CITY MANAGER OR DESIGNEE TO INVESTIGATE HAVING "GLASS FROSTING" USED FOR GRAFFITI LOCKED UP IN STORES LIKE SPRAY CANS - COUNCILMEMBER BOYAJIAN**

Councilmember Boyajian questioned the ability and process to lock up glass frosting with City Attorney Montoy advising it may be already covered in the existing ordinance and she would look into the issue and work with the police department and report back. There was no further discussion.

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**(3A) \* BILL NO. B-63 - ORDINANCE NO. 01-58 - ADDING SECTION 10-1018 TO THE FRESNO MUNICIPAL CODE RELATING TO PRIVATE PARKING FACILITIES - PRESIDENT PEREA**

A motion and second was made to adopt the ordinance bill. Councilmember Calhoun reiterated his opposition stating the city should not be involved in collecting fines, there was no control over the training of the people who would issue tickets, and suggested the matter be referred back to the private sector to address. Upon question of Councilmember Boyajian City Attorney Montoy advised the subject bill was the same one introduced the prior week and the ordinance contained language that authorized the City Manager to promulgate the rules and regulations which covered issues commented upon. Acting President Ronquillo spoke in support **(6 - 0)** stating tickets would only be issued to blatant violators and explained and stated he felt there was a point in time when government needed to get involved.

On motion of President Perea, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Bill No. B-63 adopted as Ordinance No. 01-58, by the following vote:

Ayes : Boyajian, Castillo, Duncan, Quintero, Ronquillo, Perea  
Noes : Calhoun  
Absent : None

Councilmember Castillo advised he had been contacted by neighborhood associations who questioned if the ordinance would apply to them also with Ms. Montoy advising they would not be able to issue citations due to public streets being involved.

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**(3B) REDISTRICTING OF COUNCIL DISTRICT BOUNDARIES**

**1. \* BILL NO. B-64 - ORDINANCE NO. 01-59 - ADOPTING THE BOUNDARIES IDENTIFIED IN THE REVISION "A" ALTERNATIVE**

On motion of Councilmember Duncan, seconded by Councilmember Castillo, duly carried, RESOLVED, the above entitled Bill No. B-64 adopted as Ordinance No. 01-59, by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea  
Noes : None  
Absent : None

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**(3C) PROPOSED APPOINTMENTS OF JEFF HARRINGTON AND CHARLES VANG AND REAPPOINTMENTS OF JESS ALVAREZ, NAT DIBUDUO AND CYNTHIA STERLING TO THE PLANNING COMMISSION - MAYOR AUTRY**

On motion of Acting President Ronquillo, seconded by Councilmember Castillo, duly carried, RESOLVED, the appointments of Jeff Harrington and Charles Vang and reappointments of Jess Alvarez, Nat Dibuduo and Cynthia Sterling to the Planning Commission hereby approved, by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea  
Noes : None  
Absent : None

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**(5B) RESOLUTION - SUPPORTING ASSEMBLY BILL 911 PROPOSING TO BAN THE USE OF HAND-HELD CELLULAR TELEPHONES WHILE DRIVING - COUNCILMEMBER CALHOUN**

Laid over one week.

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**(5C) DIRECT THE CITY ATTORNEY OR DESIGNEE TO DRAFT AN ORDINANCE RELATING TO EXPENDITURE OF INFRASTRUCTURE FUNDS INCLUDING DEFINITIONS, PARAMETERS AND PROCEDURES - COUNCILMEMBER DUNCAN**

Reviewed by Councilmember Duncan who stated he wanted to go one step beyond the existence of infrastructure accounts and have the city attorney codify the definition of infrastructure and the parameters and procedures for spending those funds. Councilmember Quintero stated to him people were infrastructure and explained and stated he would support renaming the account but he was comfortable with the process currently in place. Councilmember Duncan stated his intent was to clearly define infrastructure for the benefit of the public. Acting President Ronquillo commented on the history of infrastructure accounts and the criticism that came out and stated he, too, was satisfied with the current process and what Council had been able to do with the funds. Councilmember Boyajian stated agreement would not be reached on the definition of infrastructure, advised he defined infrastructure as streets but he did not disagree people were infrastructure, and stated although he too got lobbied by schools he would spend 100% of his money on streets.

A motion of Councilmember Duncan, seconded by Councilmember Boyajian, to direct the city attorney or designee to draft an ordinance relating to expenditure of infrastructure funds including definitions, parameters and procedures failed, by the following vote:

Ayes	:	Boyajian, Calhoun, Duncan
Noes	:	Castillo, Quintero, Ronquillo, Perea
Absent	:	None

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### **(3:00 P.M.) HEARING REGARDING 2001 FRESNO AREA EXPRESS/FAX PROPOSED FARE INCREASE IN TRANSIT FEES**

Transit General Manager Rudd advised this would be the first increase since 1991 and reviewed the staff report as submitted including improvements made since the last fare increase and the average fare throughout California. City Manager Hobbs requested, in keeping with the Mayor's concern that the City pay special attention to hardship populations, an amendment to the proposed rate structure to retain the old rates and not increase Senior Citizen and Special Rider (disabled) marked \* in Attachment A of the staff report. (Mr. Hobbs subsequently added the Handy Ride fares marked \*\*).

Speaking to the issue and/or in opposition to the rate increases were: Kevin Hall, 1204 E. Sierra Madre; Rachel Facio, 4214 N. Cornelia; Adam Scow, 4657 N. Harrison; Brett Vanderburg, 1041 Fedora, Clovis; Carl Turner, 4866 E. Simpson, who spoke to another issue and was advised by President Perea to schedule an appearance on a future agenda; James Mamasian, 2715 Martin Luther King Blvd. #140; Amy Rossiter, 4720 E. Montecito #A; Norman Pimentel, 1900 N. Echo; K.C. Reynolds, 530 W. Floradora; Rev. Booker Lewis Sr., 430 W. Florence; Paula Peterson, 477 W. Keats; Rev. Patsy Williams-Downs, 2715 Martin Luther King Blvd. #101; Bruce Morris, 2257 E. Fremont; Yvonne Begley, P.O. Box 442; Jim Evans, 1905 E. Pontiac #204; Fletcher Niehaus, 3469 AW. Normal; Paul Lake, 4513 E. Rialto; Robin Ray, 5024 E. Laurel; Harold Raby, 2223 "G" Street; Marsha Simpson, 2881 E. Huntington Blvd. #116; Steve Orman, 3657 W. Harvard; Manuel Saenz, 341 Minnewawa; Joe Martinez, 1521 S. 5<sup>th</sup>; Bertha Hansen, 4947 N. Thesta; James Garcia, 4677 E. Shields #124; Ron Wells, 1319 E. Hedges; Scott Boghosiatic, Madera; Gloria Torrez, 2600 Fresno St.; Charles Larsen, 3513 W. Clinton #2; **(8 - 0)** Manuel Oliveras; and Rick Steitz, Business Agent, ATU.

Upon call, no one else wished to be heard and President Perea closed the public testimony portion of the hearing.

Mr. Rudd stated he appreciated all the input from the community and in response to comments made clarified 20 expansion buses were currently in the pipeline which would improve frequencies on major routes at peak times, advised staff was in the process of updating the long-range transit plan and explained, and along with Mr. Hobbs clarified issues and/or responded to questions/comments of Councilmembers Duncan, Boyajian, Calhoun, Ronquillo and President Perea relative to reasons for the increase, the City subsidizing riders and where those costs came from, how service would be impacted without a rate increase, need for shorter frequencies, complaints expressed and if there would be any benefit of an advisory board, if there was any way to decrease some of the proposed increases, commending drivers on their tough job, concern with the mayor's 11<sup>th</sup> hour amendment, implementing hourly and daily passes, establishing family passes due to monthly passes being cost-prohibitive for families, implementing the smart card system for accountability and net revenue increases, what the needed \$1.3 million in additional revenues derived from the proposed increases would be used for, Mr. Hobbs including the \*\*Handy Ride fares in the amendment made earlier, need to make policy decisions relative to providing service where the need was greatest, impacts to service with expanded northeast and northwest service, waiting times, utilizing smaller buses to service light areas, low-performing routes, and the route to Valley Childrens Hospital and the need for them to pay full costs for that service.

Councilmember Duncan stated he opposed reducing any service to improve other areas and stressed public transit had to become a priority and explained. Councilmember Castillo stated it was important to listen to the ideas of riders and he wanted to see ideas implemented. Councilmember Duncan stated it was critical to maintain the current level of service and made a motion to approve the increases as amended.

On motion of Councilmember Duncan, seconded by Councilmember Boyajian, duly carried, RESOLVED, the implementation of the new fare structure for Fresno Area Express as adopted on June 19, 2001, to become effective August 1 2001, hereby authorized, *as amended, retaining the old rates for Senior Citizen Cash Fare-One Way, Special Rider (Disabled) Cash Fare-One Way, Senior Citizen Pass, Special Rider (Disabled) Pass, Handy Ride Cash Fare and Handy Ride Pass*, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Ronquillo, Ronquillo, Perea
Noes	:	Quintero
Absent	:	None

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**(4A) APPROVE REQUEST FOR CONFLICT OF INTEREST WAIVER REQUESTED BY THE LAW FIRM OF SAGASER, FRANSON & JONES REGARDING CITY OF FRESNO/SCOTT ELLIS ENTERPRISES - SCOTT ELLIS (RE SUGAR PINE TRAIL)**

A motion and second was made to approve the request. Councilmember Duncan spoke in opposition stating he was uncomfortable with an attorney who represents the city turning around and suing the city adding this was not an appropriate thing for Council to do. Brief discussion ensued and President Perea requested the matter be held over one week for further discussion. **(9 - 0)** Councilmember Boyajian concurred with Councilmember Duncan's comments.

On motion of Acting President Ronquillo, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled Item **4A** tabled one week, by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea  
Noes : None  
Absent : None

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**(4B) PHASE 1 OF STREAMLINING THE FRESNO MUNICIPAL CODE TO REPEAL OUTDATED AND UNLAWFUL PROVISIONS**

**1. \* BILL NO. B-65 - REPEALING ARTICLE 9 OF CHARTER 8, ARTICLE 17 OF CHAPTER 9, ARTICLE 5 OF CHAPTER 13, ARTICLE 6 OF CHAPTER 13, SECTIONS 1-103, 2-805, 2-807, 2-1611, 6-107, 6-110, 7-322, 8-123, 8-127, 8-129.2, 8-132, 8-202, 8-404, 8-405, 8-504, 9-107, 11-107, 11-108, 11-110, 11-111.1, 11-401, 11-402 AND 11-403, AND SUBSECTION (c) OF SECTION 2-1666, RELATING TO OBSOLETE, UNLAWFUL, CUMULATIVE AND MEANINGLESS PROVISIONS OF THE FRESNO MUNICIPAL CODE**

On motion of Councilmember Duncan, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled Bill No, B-65 introduced and laid over, by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea  
Noes : None  
Absent : None

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**(3:30 P.M.) RECEIVE AND ACCEPT PRELIMINARY REPORT #2 FROM THE MACIAS CONSULTING GROUP AND COUNCIL DIRECTION THEREON - PRESIDENT PEREA**

President Perea thanked the vision of previous Council President Boyajian on this matter, noted the decision to seek an independent audit made a lot of sense and the city was now starting to reap some benefits, and advised at issue was acceptance of the report and set the pace and tone for what Council now wanted to do. Councilmember Boyajian noted last year was a troubled time for the city and explained, commented on the issue stating he felt an audit was the appropriate thing to do to help the budget committee adding hopefully it would also help in the next fiscal year, and thanked Council for their support. Councilmember Quintero left at 6:15 p.m. and was absent for the remainder of the meeting.

Councilmember Calhoun noted there were very troubling aspects in the report that needed immediate attention and some that could be put off a little longer, and presented questions relative to why non-departmental was not addressed in the report and if it was going to be addressed, and what the process would be in handling recommendations made to Council and those made to the city manager, with Councilmembers Duncan, Castillo and President Perea responding. Acting President Ronquillo stated he had confidence in the city manager implementing the recommendations but added Council needed to make the appropriate moves when staff did not implement as directed and explained. City Manager Hobbs clarified the process he would use and requested at least two weeks to provide a report back. Brief discussion ensued on the recommendations and the role of the Fiscal Responsibility Committee relative to helping facilitate implementation of the recommendations. A motion and second was made to accept the report.

Mr. Hobbs and City Attorney Montoy further clarified issues relating to the process that would be undertaken and the fiscal responsibility resolution and the committee that was created including its work with the Council Budget Committee. President Perea noted Councilmember Quintero left to attend another meeting but advised he supported the report.

On motion of Councilmember Castillo, seconded by Acting President Ronquillo, duly carried, RESOLVED, Preliminary Report #2 from the Macias Consulting Group hereby accepted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Ronquillo, Perea
Noes	:	None
Absent	:	Quintero

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**(5D) DISCUSS ALLOCATION PLAN FOR EXPENDITURE OF ADDITIONAL \$1 MILLION NEIGHBORHOOD IMPROVEMENT PROJECT FUNDS IN DISTRICTS 1 THROUGH 6 - COUNCIL FISCAL RESPONSIBILITY COMMITTEE (CFRC)**

Briefly reviewed by Councilmember Duncan who stated it was the consensus of the CFRC that the funds be divided equally among the six council districts. Acting President Ronquillo stated District 3 had 38% of the CDBG eligible areas and citing arguments made to the federal government when seeking CDBG funds stressed District 3 was entitled to 38% of the funds, stated the City was violating the intent of the funds and was looking to be sued (with Councilmember Duncan clarifying there were two sources of funds: CDBG and Measure "C" and explained), and stated Measure "C" funds should be distributed equally with CDBG dollars being enhancement dollars. Upon question of Councilmember Calhoun, Councilmember Duncan clarified each district would receive \$167,000 with District 2 receiving the majority and District 6 receiving all their funds from Measure "C". Councilmember Boyajian spoke in support of dividing the funds equally stating this was about teamwork and providing money to use in the neighborhoods and made a to divide the funds equally. Acting President Ronquillo commented additionally on the funding and stated he was basing his premise and argument strictly on CDBG being considered as enhancement dollars and noted he would support the motion.

On motion of Councilmember Boyajian, seconded by Councilmember Castillo, duly carried, RESOLVED, the additional \$1 million neighborhood improvement project funds to be divided equally among the six council districts, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Ronquillo, Perea
Noes	:	None
Absent	:	Quintero

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**(5E) FOR INTRODUCTION - DISCUSSION REGARDING PROPOSED DESIGN GUIDELINES AND STANDARDS FOR THE CITY OF FRESNO - COUNCILMEMBER CALHOUN (*COUNCIL DISCUSSION TO CONSIDER DIRECTION SCHEDULED FOR 7/31/01*)**

Set for July 31, 2001.

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## **ADJOURNMENT**

There being no further business to bring before the Council, the hour of 6:49 p.m. having arrived and hearing no objections, President Perea declared the meeting adjourned.

**APPROVED** on the 21<sup>st</sup> day of August, 2001.

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ATTEST:\_\_\_\_\_

\_\_\_\_\_  
Henry Perea, Council President

Yolanda Salazar, Assistant City Clerk

